

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4893 /2015

(Vishal Satyanarayan Kasat vs. The State of Maharashtra and others)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri V.A. Kothale, Advocate for the petitioner
Shri A.S.Fulzele, Addl. Govt. Pleader for Res. Nos.1 & 2

CORAM : **SMT. VASANTI A. NAIK &
A.I.S. CHEEMA, JJ.**

DATED : **15th October, 2015.**

Heard.

By this petition, the petitioner seeks a declaration that since the petitioner has rendered services for two years as a Lecturer in Computer Engineering, in the respondent no.3-Government Polytechnic College, the petitioner is entitled to be reappointed in service and his services are required to be protected.

It is the case of the petitioner that the petitioner was appointed on 16.7.2009 as a Lecturer in Computer Engineering, in the respondent no.3-Government Polytechnic College, on contract basis. It is stated that after giving some technical breaks to the petitioner, the contract term was extended and the petitioner worked with

the the respondent no.3-College for a period of two years. On the basis of the service of the petitioner for a period of two years, the petitioner seeks a direction to the respondents to reinstate the petitioner in service and protect his services, in view of the judgments passed by the Hon'ble Supreme Court and this Court, from time to time.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition, it appears that the relief sought by the petitioner cannot be granted. The petitioner was appointed on 16th July 2009, on contract basis temporarily, till a candidate duly selected by the Maharashtra Public Service Commission, was made available. Even, according to the petitioner, the petitioner has worked on contract basis with technical breaks only for a period of two years. The petitioner has not worked with the respondent no.3 after 2011. The Government Resolution, dated 13.3.2015, clearly provides that the services of the Lecturers working in Polytechnic Colleges could be regularized if they are still in service. The petitioner is admittedly out of service for a period of more than four years. The petitioner has also not worked in the College for a period of more than three years, in all. Though a general statement in regard to the judgments rendered by the Hon'ble Supreme Court and this Court is made, no judgment is actually

referred to by the learned counsel for the petitioner. In fact, the judgment of this Court dated 19.10.2013 in Writ Petition No.2046/2010 clearly lays down that only the Lecturers who are actually in service and who have worked for more than three years, are entitled to protection.

Since the Writ Petition is devoid of merit, the same is dismissed, with no order as to costs.

JUDGE

JUDGE

sahare